

United States District Court

for the

Eastern District of WashingtonFILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON**Jan 25, 2019**

SEAN F. McAVOY, CLERK

Petition for Warrant or Summons for Offender Under Supervision

Name of Offender: Tawny M. Rhodes

Case Number: 0980 2:11CR00141-SMJ-1

Address of Offender:

Name of Sentencing Judicial Officer: The Honorable Fred Van Sickle, Senior U.S. District Judge

Name of Supervising Judicial Officer: The Honorable Salvador Mendoza, Jr., U.S. District Judge

Date of Original Sentence: March 8, 2012

Original Offense: Possession with Intent to Distribute 100 Grams or More of a Mixture or Substance
Containing a Detectable Amount of Heroin, 21 U.S.C. § 841(a)(1), (b)(1)(B)(I)Original Sentence: Prison - 92 months Type of Supervision: Supervised Release
TSR - 24 monthsResentence: Prison - 84 months
(09/23/2015) TSR - 24 months

Asst. U.S. Attorney: Earl Allan Hicks Date Supervision Commenced: March 27, 2018

Defense Attorney: J. Houston Goddard Date Supervision Expires: March 26, 2023

PETITIONING THE COURT

To **issue a summons** and to incorporate the violations contained in this petition in future proceedings with the violations previously reported to the Court on 12/13/2019 and 12/19/2019.

The probation officer believes that the offender has violated the following conditions of supervision:

<u>Violation Number</u>	<u>Nature of Noncompliance</u>
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	<u>Standard Condition #6:</u> The defendant shall notify the probation officer at least ten days prior to any change in residence or employment.
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Supporting Evidence: Ms. Rhodes is in direct violation of standard condition 6 by failing to disclose to this officer that she was staying at different residences around Spokane.

On March 29, 2018, Ms. Rhodes was given a copy of her judgment and her conditions of supervision were explained to her. She reported she understood each condition.

On January 23, 2019, the undersigned officer received information from a source who reported that Ms. Rhodes had not been staying at her approved residence.

On January 23, 2019, Ms. Rhodes disclosed she had been staying at a hotel and at another individual's house who is currently on federal supervision.

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- 6 **Standard Condition #9:** The defendant shall not associate with any persons engaged in criminal activity, and shall not associate with any person convicted of a felony, unless granted permission to do so by the probation officer.

Supporting Evidence: On January 23, 2019, Ms. Rhodes was in direct violation of standard condition number 9 by failing to notify this officer she had been staying with an individual who is currently on federal supervision.

On March 29, 2018, Ms. Rhodes was given a copy of her judgment and her conditions of supervision were explained to her. She reported she understood each condition.

On January 23, 2019, Ms. Rhodes reported to the U.S. Probation Office and disclosed she had been staying for the past few weeks with an individual who is on federal supervision. She did not inform this officer she had been residing with a convicted felon. The individual on federal probation was sentenced in 2008 for distribution of heroin.

- 7 **Mandatory Condition #3:** The defendant shall not unlawfully possess a controlled substance. The defendant shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within 15 days of release from imprisonment and at least two periodic drug tests thereafter, as determined by the Court.

Supporting Evidence: On January 23, 2019, Ms. Rhodes was in direct violation of mandatory condition number 3 by possessing four suboxone strips and one Fentanyl patch. She brought these non-prescribed drugs into the United States Probation Office.

On March 29, 2018, Ms. Rhodes was given a copy of her judgment and her conditions of supervision were explained to her. She reported she understood each condition.

On January 23, 2019, Ms. Rhodes was directed to report to the U.S. Probation Office. She disclosed that she was having difficulty not using heroin. Ms. Rhodes reported that she was using non-prescribed suboxone strips.

She took four suboxone strips and one Fentanyl patch out of her purse and put it on this officer's desk. Ms. Rhodes did not have a prescription for either. They were confiscated and put into the U.S. Probation Office's evidence locker.

- 8 **Special Condition #20:** You shall abstain from the use of illegal controlled substances, and shall submit to urinalysis testing as directed by the supervising officer, but no more than six tests per month, in order to confirm continued abstinence from these substances.

Supporting Evidence: On January 23, 2019, Ms. Rhodes was in direct violation of special condition number 20 by failing to abstain from the use of heroin.

On March 29, 2018, Ms. Rhodes was given a copy of her judgment and her conditions of supervision were explained to her. She reported she understood each condition.

On January 23, 2019, Ms. Rhodes was directed to report to the U.S. Probation Office. After much conversation, she disclosed she had been using a device to falsify her urine samples. Ms. Rhodes threw the device away and provided a urine sample that tested positive for

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heroin. She reports she has been using heroin almost daily. She signed a drug use admission form.

9 **Special Condition #20:** You shall abstain from the use of illegal controlled substances, and shall submit to urinalysis testing as directed by the supervising officer, but no more than six tests per month, in order to confirm continued abstinence from these substances.

Supporting Evidence: On January 23, 2019, Ms. Rhodes was in direct violation of special condition number 20 by disclosing she had used methamphetamine.

On March 29, 2018, Ms. Rhodes was given a copy of her judgment and her conditions of supervision were explained to her. She reported she understood each condition.

On January 23, 2019, Ms. Rhodes was directed to report to the U.S. Probation Office. After much conversation, she disclosed she had been using a device to falsify her urine samples. Ms. Rhodes threw the device away and provided a urine sample that tested positive for methamphetamine. She reported she used methamphetamine 3 days prior. She signed a drug use admission form.

The U.S. Probation Office respectfully recommends the Court **issue a summons** and incorporate the violations contained in this petition in future proceedings with the violations previously reported to the Court.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on: 01/24/2019

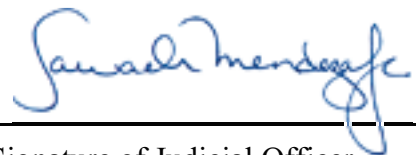
s/Joshua D. Schull

Joshua D Schull

U.S. Probation Officer

THE COURT ORDERS

- ☐ No Action
- ☐ The Issuance of a Warrant
- ☒ The Issuance of a Summons
- ☒ The incorporation of the violation(s) contained in this petition with the other violations pending before the Court.
- ☐ Defendant to appear before the Judge assigned to the case.
- ☒ Defendant to appear before the Magistrate Judge.
- ☐ Other



Signature of Judicial Officer

01/25/2019

Date